REMARKS

Summary of the Response to Office Action

This Amendment responds to the Office Action mailed on November 3, 2006. Claims 1-10 and new claims 11-13 are pending in this application. Accordingly, claims 1-10 are respectfully submitted for reconsideration by the Examiner, and new claims 11-13 are presented for the Examiner's review and consideration.

A substitute specification (Appendix A) and marked–up version of the substitute specification (Appendix B) are presented for the Examiner's review and consideration in response to objections and informalities raised in the Office Action. No new matter has been added as the amendments and new claims are believed to be fully supported by the specification, claims and drawings as originally filed.

Objection to the Information Disclosure Statement Filed on January 30, 2006

A supplemental information disclosure statement resubmitting Japanese Patent A-63-207569 with an English language version of the International Search Report from the counterpart PCT application is filed herewith under separate cover. It is requested that the Examiner make this information of record if it is deemed material to the examination of the application.

Objection to the Drawings

In the Office Action, the drawings were objected to because the reference numeral "12" in Fig. 4 does not point to the "upper wall". In addition, they were objected to because the reference numerals "10" and "20" have both been used to designate the combustion chamber in the specification. Applicants traverse.

As described in specification, the upper housing 11 of the disclosed gas combustion type impact tool includes an upper wall 12 of the combustion chamber 10. *See e.g.*, Specification, p. 12, lines 24-25 and p. 14, lines 13-15. FIG. 4 shows upper wall 12 of the upper housing 11. Upper wall 12 of the upper housing 11 cooperates with the movable sleeve 13 to form the

combustion chamber 10. Hence, applicants submit the reference numeral "12" in FIG. 4 points to the upper wall of the combustion chamber.

Applicants have amended the specification at page 13, line 21 to address the informality regarding the reference numeral used to designate the combustion chamber. Reference numeral 20 has been deleted and replaced with reference numeral 10. No new matter has been added as the amendments and new claims are believed to be fully supported by the specification, claims and drawings as originally filed.

In view of above, Applicants respectfully submit that the objections to the drawings have been overcome.

Objections to the Abstract and Specification

The abstract of the disclosure was objected to because of a typographical error. The specification was objected to under 35 U.S.C. § 112, first paragraph, as including grammatical errors or "verbose terms". Applicants have amended the abstract and specification to correct such informalities. No new matter has been added as the amendments are believed to be fully supported by the specification, claims and drawings as originally filed.

Rejections to the Claims Under 35 U.S.C. § 102

Claims 1-10 were rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 6,695,195 to Nishikawa et al. ("Nishikawa"). Nishkawa relates to a combustion powered air-gun that reduces the time of combustion gas scavenging. In rejecting claim 1, the examiner stated that ribs (24) disclosed by Nishikawa were deemed capable of generating vortices upstream of the injection nozzle and retaining the gaseous mixture near to the ignition device. Applicants traverse.

Claim 1

Claim 1 recites a gas combustion type impact tool comprising, in part, "a vortex generator...for generating a vortex near the injection nozzle." There is no disclosure in Nishikawa that ribs (24) *generate a vortex near* the injection nozzle. Instead, the ribs (24) of

Nishikawa are located adjacent the outlet port of the combustion chamber at the opposite end of the combustion chamber. Accordingly, Nishikawa fails to disclose, expressly or inherently, "a vortex generator" as recited by claim 1, and thus does anticipate claim 1. *See*, MPEP 2131.

Claim 2

Claim 2 depends from claim 1 and is believed patentable over Nishikawa for the same reasons as claim 1.

Claim 3

Claim 3 has been amended, without prejudice, by deleting the term "easily". This amendment was made for clarification purposes and is considered a broadening amendment.

Claim 3 depends from claim 1 and further recites "a retention generator...for generating a retention of the gaseous mixture mixed by the rotary fan near the ignition device." There is no disclosure in Nishikawa of such a retention generator. By contrast, ribs (24) of Nishikawa are located adjacent the outlet port of the combustion chamber at the end of the combustion chamber opposite the injection port (22). Moreover, no rationale is provided to support the statement that ribs 24 are deemed capable of retaining the gaseous mixture near to the ignition device. Accordingly, Nishikawa fails to disclose, expressly or inherently, a "retention generator" as recited by claim 3. *Id.* Thus, claim 3 is not anticipated.

Claim 4-5

Claims 4-5 depend from claim 3 and ultimately depend from claim 1. Claims 4-5 are believed patentable over Nishikawa for at least the same reasons as claim 1 and claim 3.

Claim 6

Independent claim 6 has been amended by deleting the term "easily". This amendment was made for clarification purposes and is considered a broadening amendment. Claim 6, as amended without prejudice, recites in part "a retention generator...for generating a retention of the gaseous mixture mixed by the rotary fan near the ignition device." As described above, Nishikawa fails to disclose a "retention generator" as recited by claim 3. Those arguments are equally applicable to the term "retention generator" recited by claim 6. Accordingly, Nishikawa fails to disclose, expressly or inherently, a "retention generator" as

recited by claim 6. Thus, Nishikawa fails to anticipate claim 6. *Id*

Claim 7-10

Claims 7-10 depend or ultimately depend from claim 6 and are believed patentable over Nishikawa for the same reasons as claim 6 as well as for the individual features recited by each respective dependent claim.

New Claims 11-13

New claims 11-13 depend from or ultimately depend from claim 1, and thus are believed patentable over Nishikawa for the same reasons as claim 1, as well as for the individual features recited by each respective dependent claim. For instance, Nishikawa fails to disclose or suggest a rotary fan spaced from a first wall of the combustion chamber and a vortex generator disposed between the first wall and the fan, as recited by claim 11. Similarly, Nishikawa fails to disclose or suggest an injection nozzle and an ignition device disposed on one wall of the combustion chamber and a vortex generator disposed on the one wall, as recited by claim 12. Additionally, Nishikawa fails to disclose or suggest a vortex generator proximate the injection nozzle, as recited by clam 13. For at least these reasons, claims 11-13 are believed patentable over Nishikawa.

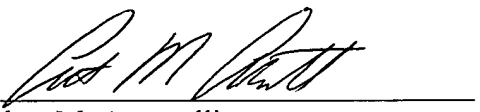
CONCLUSION

In view of the foregoing, Applicants respectfully submit that the application is in condition for allowance, and thus request reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By: 

Arthur M. Antonelli
Reg. No. 51,410

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Customer No.: 009629
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Telephone: 202-739-3000
Facsimile: 202-739-3001